IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.4019 of 1997

Krystal Poly Fab Limited
137, AI Shah & Nahar Industrial
Estate, Lower Parel (W)
Mumbai 400 011 ..Petitioner

vs.

1. Union of India
2. General Manager (DIC)
   Administration of Dadra &
   Nagar Haveli, Sylvassa (U.T.)
3. Under Secretary
   Govt. of India
   Ministry of Industries
   Department of Industrial
   Development, Udyog Bhavan
   New Delhi ..Respondents

Petitioner and Advocate absent.
Shri D.A.Dubey for respondents.

CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
14th OCTOBER, 2004

ORAL JUDGMENT: (Per A.P.Shah J.)

1. Petitioner and his Advocate are absent. We have heard Shri Dubey, Advocate for respondents.

2. By this petition the petitioner company is seeking to quash and set aside the letters dated 18th May, 1990 and 26th May, 1990 rejecting the application made by the petitioner for subsidy under 10% Central Outright Grant of Subsidy Scheme 1971. This scheme was introduced by the Union of India for industrial growth in backward area and

the scheme was modified from time to time. The petitioner company applied for subsidy on 14th September, 1987 which came to be rejected by the impugned letters dated 18th June, 1990 and 26th May, 1990. The present petition is filed after nearly 7 years on 15th July, 1997. In our opinion the petition is liable to be dismissed on account of gross delay and latches and is hopelessly barred by law of limitation. At no point of time the petitioner challenged the refusal order and it is too late on the day to entertain such a petition at such belated stage especially when the decision of the Supreme Court relates to the parties who had filed petitions in this Court and had gone to the Supreme Court and their cases were also referred to the Joint Secretary, Ministry of Industries, Govt. of India. It appears that it is only after the judgment of the Supreme Court in the year 1997 the petitioner started corresponding for subsidy under the scheme. Under these circumstances, it is not possible to grant any relief to the petitioner. We may also mention that a similar petition being Writ Petition No.3353 of 1998 was dismissed by the Division Bench comprising of B.N.Srikrishna and S.S.Nijjar JJ. on the ground of latches and delay vide order dated 15th October, 1998. Hence the petition is dismissed.

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Date of Judgment: 14th October 2004

For approval and signature of:

The Hon'ble Mr.A.P.SHAH J.

The Hon'ble Mr.S.C.DHARMADHIKARI J.

1. Whether the Reporters of the Local papers may be allowed to see the judgment/order?

2. Whether to be referred to the Reporters or not?

3. Whether Their Lordships wish to see the fair copy of the judgment?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?

5. Whether it is to be circulated to the Civil Judges?

6. Whether the case involves an important question of law and whether a copy of the judgment should be sent to Nagpur Aurangabad and Goa offices?